

IN THE UNITED STATES DISTRICT COURT, DISTRICT COURT
FOR THE Northern DISTRICT OF TEXAS
Dallas DIVISION
NORTHERN DISTRICT OF TEXAS
FILED

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

SEP 13 2006

CLERK, U.S. DISTRICT COURT
By Deputy

Ernest Lee White # 808140

Plaintiff's name and ID Number

Nathaniel J. Neal Unit 0-67

9055 State 591 Amarillo, TX 79107

Place of Confinement

3-06 CV 1674-R
3-06 CV 1673-R

CASE NO:

(Clerk will assign the number)

✓Fake Name: Bob Johnson (Senior Partner)
Real Name: Andy Bob Coats, 5430 EBJ Freeway

Lincoln Centre III Dallas, TX 75240 Suite 1200

Defendant's name and address

Jeff Fletcher, Esq. (General Counsel)

Defendant's name and address

5430 EBJ Freeway Suite 1200

Lincoln Centre III Dallas, TX 75240

Defendant's name and address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? _____ YES NO
- B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: N/A
 2. Parties to previous lawsuit:
Plaintiff(s): N/A
 3. Defendant(s): N/A
 4. Court (If federal, name the district; if state, name the county) N/A
 5. Docket Number: N/A
 6. Name of judge to whom case was assigned: N/A
 7. Disposition: (Was the case dismissed, appealed, still pending?)
N/A
 7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: Nathaniel J. Neal Unit Amarillo, TX

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system. QFG in
Huntsville is investigating and has statement and papers from the Plaintiff about the Defendant

IV. PARTIES TO THE SUIT:

A. Name of address of plaintiff: Kernest L. White, Nathaniel J. Neal Unit 9055
Spur 591 Amarillo, Texas 79107-9696

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Jeff Fletcher Esq. (General Counsel) 5430 LBJ
Freeway, Lincoln Centre III Suite 1200 Dallas, TX 75240

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

He lied to me, He stole from me, He mislead me.

Defendant #2: Andy Bob Coats (Senior Partner) 5430 LBJ Freeway
Lincoln Center III Suite 1200 Dallas, TX 75240

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

He lied to me, He stole from me, He mislead me.

Defendant #3: N

A

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

A

Defendant #4: A

A

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

A

Defendant #5: A

A

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

A

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases or statutes. If you intent to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Andy Bob Coats mon. as (Bob Johnson) has promise me and F-2 parole and will be release in January 2006. Mr Coats lied to me about my parole statute, he mislead me to believe I was going to be release on January 2006. He stated around about [REDACTED] 60.00

Jeff Fletcher Esq. (General Counsel) he also mislead me to believe I was going to be release in January 2006 and he also stated around about [REDACTED] 60.00

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes. I want my money back that I have paid to

them and pay for mortal August of 1520 and all legal fees paid with Court, filing fees, etc.

VII. GENERAL BACKGROUND INFORMATION:

- A. State, in complete form, all names you have ever used or been known by including any and all aliases:

Ernest L. White

- B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

#808140

VIII. SANCTIONS:

- A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

- B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (If federal, give district and division): 1/1

2. Case Number: None

3. Approximate date sanctions were imposed: None

4. Have the sanctions been lifted or otherwise satisfied? YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES NOD. If your answer is "yes", give the following information for every lawsuit in which warning was imposed.
(If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): None
2. Case number: None
3. Approximate date warning were imposed: None

Executed on: 9-8-06
(Date)

Ernest Lee White #808140
(Printed Name)

Ernest Lee White #808140
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assess by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this _____ day of _____, 20 _____.
(Day) (Month) (Year)

(Printed Name)

(Signature of Plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

In The United States District Court
For The Northern District of Texas
Dallas Division

Ernest L. White,
Plaintiff,

v.

Jeff Fletcher, Esq.

vs.

Andy Bob Coats,
Defendants,

§
§
§
§

§ Complaint Civil Action No.

I. Jurisdiction & Venue

This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of State law, of rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C. Section 1331 and 1333 (a) (3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure.

The Northern District of Texas, is an appropriate venue under 28 U.S.C. Section 1331 (b)(2) because it is where the events giving rise to this claim occurred.

II. Plaintiff

Plaintiff, Ernest L. White, is and was at all times mentioned herein a prisoner of the State of Texas, in the custody of the Texas Department of Criminal Justice. He is currently confined in the Nathaniel J. Neal Unit, in Amritilla, Texas.

III Defendants.

Defendant, Jeff Fletcher, Esq., is the General Counsel, of the Parole and Probation Services, Inc. He is legally responsible for the overall operation of the Parole and Probation Services.

Defendant, Andy Bob Coats, is the Senior Partner of the Parole and Probation Services, Inc. He is legally responsible for the handling and overseeing clients case.

Each defendant is sued individually and in his official capacity. At all times mentioned in this complaint each defendant acted under the color of state law.

III Facts

See attached on the back of Complaint as "Exhibit A" and "Exhibit B", et...

IV Exhaustion of Legal Remedies

Plaintiff, Ernest L. White, used the prisoner OIG procedure available at Huntsville office OIG. Plaintiff present the facts relating to this complaint.

V. Legal Claims

Plaintiff's recite and incorporate by reference paragraphs the 1-11 (or however many paragraphs the first four sections took).

The plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which plaintiff seeks.

Therefore, plaintiff respectfully prays that this court enter judgment granting plaintiff's:

A declaration that the acts and omissions described herein violated plaintiff's rights under the Constitution and laws of the United States.

A preliminary and permanent injunction ordering defendants, Andy Bob Coats, and Jeff Fletcher, Esq. to pay what

Compensatory damages in the amount of \$1,500 against each defendant's, jointly and severally.

A jury trial on all issues triable by jury.
Plaintiff's costs in this suit.

Any additional relief this court deems just, proper, and equitable.

Dated: 9-8-06

Respectfully Submitted,

Earnest L. White #808140

Earnest L. White Pro se Plaintiff

T.D.C.J. ID # 808140

Nathaniel J. Neal Unit 0-61

9035 Spur 591

Amarillo, Texas 79101-9696

Verification

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Amarillo, Texas on Sept. 8, 2006

Earnest L. White #808140

Earnest L. White # 808140

June 20, 2002

Mrs. Chandra White

Dear Ms. White,

Enclosed is a copy of our letter to Mr. White accepting him as a client. Also enclosed are copies of his contract and correspondence to us.

His fee is \$1500.00. That can be paid in full or if you choose our payment program then that will be \$125.00 a month for 12 months. Please let us know how you want to do this.

We feel optimistic about Mr. White's obtaining parole and look forward to representing him in this endeavor. If you have any questions please give us a call.

Sincerely,

Bob Johnson

ENCL:

5430 LBJ Freeway, Suite 1200
Lincoln Centre III
Dallas, Texas 75240
214.866.0228



"Balancing the scales of justice"

4801 Woodway, Suite 300 East
Woodway Center
Houston, Texas 77056
713.964.2707

December 9, 2004

Exhibit = B

Ernest Lee White
808140
Neal Unit ~~0-67~~
9055 Spur 591
Amarillo, Texas 79107

Dear Mr. White,

Thank you for taking the time to write us. I hope this letter finds you doing well and in good spirits.

We do appreciate the people you have referred to our firm. Some of those have already been released to parole. In your case, however, we have not been able to negotiate with the Parole Board for your release. That is until this month. There is talk of awarding you an F-2 parole classification with a target release for January, 2006.

Would you let us have your input on that? We did not agree to any date, but wanted to check with you first. We will continue to work for an earlier target month if that is what you want us to do.

Enclosed are two questionnaires that we need filled out and returned. Later, we will want you to fill out a parole plan for us.

Sincerely,

A handwritten signature in black ink that reads "Bob Johnson".

Bob Johnson
Senior Partner

ENCL:

5430 LBJ Freeway, Suite 1200
Lincoln Centre III
Dallas, Texas 75240
214.866.0228



4801 Woodway, Suite 300 East
Woodway Center
Houston, Texas 77056
713.964.2707

December 6, 2005

Mr. Earnest White
#808140
Neal Unit
9055 Spur 591
Amarillo, Texas 79107

Exhibit C

RE: Parole Review

Dear Mr. White:

Thank you for your recent letter. We did receive the information you were so kind to complete and return. It has been incorporated into the parole prospectus that will be reviewed by each voting member prior to their vote. We are very hopeful that your good disciplinary record and our hard work and effort will get you home in the near future. We are just as anxious to get you home as you are.

We will contact you as soon as we receive any information on your case file.

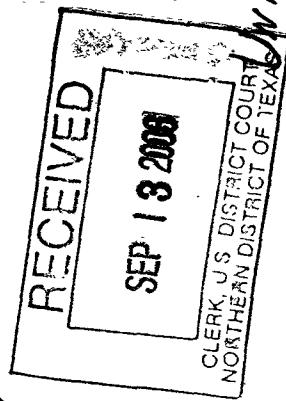
Kindest regards,

A handwritten signature in black ink, appearing to read "Jeff Fletcher, Esq." Below the signature, the text "General Counsel" is printed in a smaller, sans-serif font.

JLF/cf

Mattie B. Fletcher

Mr. Ernest T White #888140
Natl. Unit 0-67
9055 Spur 591
Amarillo, TX 79107



United States District
Court for the Northern
District of Texas
1100 Commerce St. 1452

Dallas, TX 75242

